

REMARKS

The Office has asserted that the restriction to one of the listed inventions is required under 35 U.S.C. § 121. However, the Examiner has not made a proper showing detailing why the presently claims lack unity of invention. The Examiner does not apply the correct analysis that is required for a National Stage (USC § 371) application. Instead, the Examiner has applied analysis that is only appropriate for regular U.S. utility applications. The standards are different. In some situations claims that may properly be restricted under regular U.S. practice, may not be restricted under the PCT Unity of Invention standard that must be applied to national stage applications, such as the current application.

The Examiner's attention is directed to MPEP § 1893.03(d) and to 37 CFR § 1.499. When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. See MPEP § 1893.03(d).

Under 37 CFR 1.475(a):

An international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

In the present application, the Examiner has not explained why each group lacks unity with each other group, that is, why there is not a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

Accordingly, applicants traverse the restriction requirement.

Applicants elect, with traverse, Group I - claims 1-32, 39 and 49, drawn to a process of preparing an electrode.

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Applicants believe that the foregoing is fully responsive to the outstanding Official Action including the restriction and the election of species requirement. If, however, the Examiner believes that any further information or election is required, the Examiner is encouraged to contact applicants' attorney at the number provided below. Such informal communication will expedite examination and disposition of the case.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: 9 August 2010

By:

A handwritten signature in black ink, appearing to read "T.D. Boone", written over a horizontal line.

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